

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

WILMINGTON TRUST, NATIONAL  
ASSOCIATION, AS SUCCESSOR TRUSTEE  
TO CITIBANK, N.A., AS TRUSTEE FOR  
MERRILL LYNCH MORTGAGE  
INVESTORS TRUST, MORTGAGE LOAN  
ASSET-BACKED CERTIFICATES, SERIES  
2007-HE2

Plaintiff

v.

JAMES D. GOCHIE

Defendant

CREDIT ACCEPTANCE CORPORATION

Party-in-Interest

2:19-cv-00533-DBH

**AMENDED CONSENT JUDGMENT OF FORECLOSURE AND SALE**

**Address: 776 Maplewood Road, West Newfield, ME 04095**

**Mortgage: November 15, 2006, Book: 15018, Page:451**

Now comes the Plaintiff, Wilmington Trust, National Association, as Successor Trustee to Citibank, N.A., as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-HE2, and the Defendant, James D. Gochie, by and through counsel, and hereby submit this Amended Consent Judgment of Foreclosure and Sale. The Party-in-Interest, Credit Acceptance Corporation, has neither appeared nor opposed Plaintiff's Motion for Default and Default Judgment and has been defaulted.

Count II - Breach of Note, Count III – Breach of Contract, Money Had and Received, Count IV – Quantum Meruit, and Count V – Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I - Foreclosure is

hereby **ENTERED** as follows:

1. If the Defendant or his heirs or assigns pay Wilmington Trust, National Association, as Successor Trustee to Citibank, N.A., as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-HE2 (“Wilmington Trust”) the amount adjudged due and owing (\$144,801.16) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A § 6322, Wilmington Trust shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing as of June 16, 2020:

<b>Description</b>	<b>Amount</b>
Unpaid Principal Balance	\$94,178.18
Interest	\$74,411.11
Escrow Advances	\$19,790.67
Corporate Advances	\$8,011.76
Suspense	\$-675.00
Hazard Suspense/Hazard Loss	\$-50,915.56
<b>Grand Total</b>	<b>\$144,801.16</b>

2. If the Defendant or his heirs or assigns do not pay Wilmington Trust the amount adjudged due and owing (\$144,801.16) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his remaining rights to possession of the West Newfield Property shall terminate, Wilmington Trust shall conduct a public sale of the West Newfield Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$144,801.16 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 7 of this Judgment, and in accordance with 14 M.R.S.A. § 6324.
4. Wilmington Trust may not seek a deficiency judgment against the Defendant

pursuant to the Plaintiff's waiver of deficiency by agreement.

5. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk shall sign, if requested, a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
6. The amount due and owing is \$144,801.16
7. The priority of interests is as follows:
  - Wilmington Trust, National Association, as Successor Trustee to Citibank, N.A., as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-HE2 has first priority, in the amount of \$144,801.16, pursuant to the subject Note and Mortgage.
  - Credit Acceptance Corporation, who has been defaulted.
  - James D. Gochie, who has second priority behind Plaintiff as a result of Credit Acceptance Corporation being defaulted and thus losing its second priority.
8. The prejudgment interest rate is 7.625%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. § 1602-C.
9. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Wilmington Trust, National Association, as Successor Trustee to Citibank, N.A., as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-HE2 401 Plymouth Road Plymouth Meeting, PA 19462	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	James D. Gochie 776 Maplewood Rd. W. Newfield, ME 04095	Thomas A. Cox, Esq. P.O. Box 1314 Portland, ME 04104
PARTY-IN-INTEREST	Credit Acceptance Corporation c/o Agent Corporation Service Company 45 memorial Circle Augusta, ME 04330	Defaulted

- a) The docket number of this case is No. 2:19-cv-00533-DBH.
- b) All parties to these proceedings besides Wilmington Trust, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 776 Maplewood Road, West Newfield, ME 04095, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 776 Maplewood Road, West Newfield, ME 04095. The Mortgage was executed by the Defendant on November 15, 2006. The book and page number of the Mortgage in the York County Registry of Deeds is Book 15018, Page 451.

- e) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an *in rem* judgment against the property, 776 Maplewood Road, West Newfield, ME 04095.

Dated: September 28, 2020

/s/John A. Doonan, Esq.  
John A. Doonan, Esq., Bar No. 3250  
Reneau J. Longoria, Esq., Bar No. 5746  
Attorneys for Plaintiff  
Doonan, Graves & Longoria, LLC  
100 Cummings Center, Suite 225D  
Beverly, MA 01915  
(978) 921-2670  
JAD@dgandl.com  
RJL@dgandl.com

Dated: September 28, 2020

/s/ Thomas A. Cox, Esq.  
Thomas A. Cox, Esq.  
Attorney for Defendant  
P.O. Box 1314  
Portland, ME 04104

**SO ORDERED**

**DATED THIS 29th DAY OF SEPTEMBER, 2020**

**/s/ D. Brock Hornby**  
**D. Brock Hornby**  
**U.S. District Judge**

Exhibit A

(776 Maplewood Road, Newfield, York County, Maine)

A certain lot or parcel of land, together with the buildings thereon, situated in Newfield, in the County of York and State of Maine, and being more particularly bounded and described as follows: Meaning and intending to convey hereby and hereby conveying Lot #7 as the same as depicted on a Plan of Land entitled Eastgate Acres, owned by Manomet Corp. drawn by M. J. Clark dated December , 1974, and recorded in the York County Registry of Deeds in Plan Book 74, Page 9, reference to which is hereby made for a more particular description of the property herein conveyed.

END OF DOCUMENT

21p → First Suburban Title  
652 Main St.  
Johann, Me. 041038

J-6.

